



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,688	03/09/2004	Takao Shiibashi	04107/LH	4845

1933	7590	12/27/2007
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC		
220 Fifth Avenue		
16TH Floor		
NEW YORK, NY 10001-7708		

EXAMINER	
ALLISON, ANDRAE S	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/797,688	Applicant(s) SHIIBASHI ET AL.	
	Examiner Andrae S. Allison	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on October 16, 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on October 16, 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>October 4, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Remarks.

1. The Office Action has been issued in response to amendment filed October 16, 2007. Claims 1-13 are pending. Applicant's arguments have been carefully and respectfully considered in light of the instant amendment, and are not persuasive. Accordingly, this action has been made FINAL.

Drawings

New drawings were entered on October 16, 2007 and have been accepted by the Examiner. Therefore, the objection has been removed.

103 Claim Rejection

In response to Applicant's argument on pages 11-12 that the diagnostic workstation of Kanade does not corresponds to the diagnosis terminal of Applicant invention, the Examiner disagrees. The diagnostic workstation of Kanade is equivalent to the diagnosis terminal of Applicant because both perform the same function of presenting information to the operator or person in a useful manner and allows operator or person to input information. Applicant further argued that if the diagnostic workstation of Kanade corresponds to the portable terminal of the present invention, then Kanade's diagnostic workstation would contain all the claimed limitation. The Examiner contends that all the features of the portable terminal are taught by Kanade except that the

terminal is not portable. Applicant then stated that displaying photographing order information obtained from a control apparatus on a screen is not disclosed by Kanade. However, this limitation is clearly taught by Kanade in column 31-38 since as drafted, the limitation can be interpreted as the portable terminal displaying information obtained from a control apparatus such as a server. Applicant further argued that Kanade does not teach obtaining the patient ID relating to the particular patient out of the displayed photographing order information, and obtaining a panel identification information particular to a radiographing panel to be used for the medical imaging. Obtaining the patient ID relating to the particular patient out of the displayed photographing order information such as an e.g. ID number and obtaining a panel identification information particular to a radiographing panel to be used for the medical imaging for e.g. modality information are taught by Kanade in see column 17, lines 51-58 and column 17, line 44 and column 17, lines 51-58 respectively.

On pages 14-15, Applicant argues that Kanade does not teach storing in a memory the obtained panel identification information made to correspond with the photographing order information, however, Kanade clearly teaches image archiving apparatus which is used to store panel identification information. As discussed above all the Kanade discloses all the features of claim 1 except that the diagnostic workstation of Kanade is not portable. The examiner then introduced Beaulieu to cure the deficiency of Kanade.

Claim Objections

2. Claim 13 is objected to because of the following informalities: In claim 13, line 2, the phrase "the first and screen" should read "the first and second screens".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 10-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 10 recites the limitation "body part", however, the specification does not provide support for this limitation.

Claims 11-13 are rejected as incorporating the deficiencies of claim 10 upon each respective claim depend.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada (US Patent No.: 6,954,767) in view of Beaulieu et al (Pub No.: US 2002/0091659).

As to independent claim 1, Kanada discloses a medical image photographing system (medical network system with medical image server, see Fig 1) comprising: an information management apparatus (14, medical image server, see Fig 1) for readably holding photographing order information which includes a patient ID particular to a patient to which a photography of medical images is carried out (examination order information containing patient ID is stored on server 14, see column 17, lines 51-58) and radiographing conditions including a body part (see column 2, lines 3-5), and for transmitting the photographing order information according to an inputted command (a diagnostic workstation is used for requesting images, the request is then sent outside to the server 14, see column 14, lines 62-67); a control apparatus (judging means, see Fig 5 and column 18, lines 35-49) for obtaining the photographing order information from the information management apparatus through a communication network (10, see Fig 1); and a portable terminal (15, diagnosis terminal, see Fig 1) for displaying the photographing order information obtained from the control apparatus on a screen (note the examination order is sent from 15, therefore it can be display the examination order, see column 14, lines 31-38), obtaining the patient ID relating to the particular patient out of the displayed photographing order information (e.g. ID number, see column 17, line

44), obtaining a panel identification information particular to a radiographing panel to be used for the medical imaging (modality information, see column 17, lines 51-58), and storing into a memory (17, image archiving apparatus, see Fig 1) the obtained panel identification information in correspondence with the photographing order information (see column 14, lines 21-30).

However, Kanada does not expressly disclose wherein the terminal is portable and wherein the portable terminal has input keys for inputting a plurality of commands, and inputs, via input operations by the input keys, a command to display on the screen the photographing order information obtained from the control apparatus, a command to obtain the patient ID relating to the particular patient out of the displayed photographing order information, a command to obtain the panel identification information particular to the radiographing panel to be used the medical imaging, and a command to store into the memory the obtained panel identification information made correspondence with the photographing order information. Beaulieu discloses a portable device (140, see Fig 1) for viewing of medical images ([p][0002], lines 1-3) wherein the portable terminal has input keys for inputting a plurality of commands (note that element 140 has many input keys, see Fig 1), and inputs, via input operations by the input keys, a command to display on the screen the photographing order information obtained from the control apparatus (the portable device includes interactive tools, see [p][0036], lines 7-9), a command to obtain the information relating to the particular patient out of the displayed photographing order information (the interactive tool can retrieve order information such as patient's name or referring physician, see [p][0036], lines 15-18), a command to

obtain the panel identification information particular to the radiographing panel to be used for the medical imaging (the interactive tool can retrieve can also retrieve modality information, see [p][0036], lines 15-18), and a command to store into the memory the obtained panel identification information made correspondence with the photographing order information (the portable device can also be used for semi-permanent storage, see [p][0036], lines 17-20). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modified the medical network of Kanada with the portable device of Beaulieu to enable a medical professional to view medical images on hand held computers thus enabling the medical professional to analyze medical images completely wirelessly and mobile on a personalized hand held computer ([p][0020], lines 1-6).

As to independent claim 2, all the limitations are discussed above except "wherein the portable terminal has an input unit capable of being held". Kanada does not expressly disclose wherein the portable terminal has an input unit capable of being held. Beaulieu discloses a portable device (140, see Fig 1) that has an input unit capable of being held (note that the portable device is capable of held, see Fig 1). Thus combining Kanada with Beaulieu would meet the claim limitation for the same reasons as discussed with respect to claim 1 above.

7. Claims 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada (US Patent No.: 6,954,767) in view of Beaulieu et al (Pub No.: US

2002/0091659) further in view of Ying et al (Pub No.: 2005/0065822).

As to claim 3, neither Kanada or Beaulieu teach wherein the portable terminal displays the photographing order information on the screen so as to scroll according to a scroll command inputted by the input unit. Ying discloses a system for content delivery through mobile terminal for medical providers (see title wherein the portable terminal displays the photographing order information on the screen so as to scroll according to a scroll command inputted by the input unit (Fig 7 shows the scroll buttons for the mobile device). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modified the medical network of Kanada as modified by Beaulieu to include the system of a Ying to enhance patient care by providing medical providers with accurate, up to date, easily accessible information about patients in their care presented in an ergonomic and intuitive manner ([p][0010], lines 1-5) on a portable device such as a PDA ([p][0011], lines 1-2)

As to claim 4, note the discussion above, Beaulieu teaches the system, wherein the portable terminal exchanges the content displayed on the screen according to an exchange command inputted by the input ([p][0029], lines 1-5).

As to claim 5, note the discussion above, Ying teaches the system, wherein the portable terminal deletes the obtained photographing order information from the memory according to a delete command inputted by the input unit (note the portable device includes an eraser button, see [p][0058], lines 4-6).

As to claim 6, note the discussion above, Ying teaches the system, wherein the input unit for reading the panel identification information from the radiographing panel (64, data entry field, see Fig 2).

As to claim 7, note the discussion above, Ying teaches the system, wherein the portable terminal transmit to the control apparatus the photographing order information made correspondence with the panel identification information, and erases from the memory the photographing order information already sent to the control apparatus (note the portable device includes an eraser button, see [p][0058], lines 4-6).

As to claims 8-9, neither Kanada, Beaulieu or Ying wherein the portable terminal further has a strap capable of being hung with the terminal held and wherein the portable terminal further comprises other operational input member, and the operational input member can be set to invalid inputting. However, it would have obvious to have included a strap and the operational input member is settable to invalid inputting so that the portable unit is capable of being hung from the neck or hand and set to an inactive mode by the operational member to prevent data from being inadvertently inputted into the portable unit (OFFICIAL NOTICE).

As to independent claim 10, all the limitations are discussed above except a second input screen for inputting a panel identification information particular to a

radiographing panel for use in the medical imaging of the patient whose particular patient ID is selectively inputted. Neither Kanada or Beaulieu teach a content having an input screen for inputting a panel identification information particular to a radiographing panel for use in the medical photography with respect to the patient ID which is inputted and selected, selectively inputs the patient ID and inputs the panel identification information through each two input screens. Ying discloses a system for content delivery through mobile terminal for medical providers (see title) having a content having an input screen for inputting a panel identification information particular to a radiographing panel for use in the medical photography with respect to the patient ID which is inputted and selected, selectively inputs the patient ID and inputs the panel identification information through each two input screens (see [p][0058], where the portable system includes multiple screens). Thus combining Kanada as modified by Beaulieu with Ying would meet the claim limitation for the same reasons as discussed with respect to claim 3 above.

As to claim 11, note the discussion above, Ying teaches the system, wherein the portable terminal can move between the first and second screens (see [p][0058], lines 9-1, where a user can switch between screens).

As to claim 12, note the discussion above, Ying teaches the system, wherein the portable terminal displays as a reference screen the first input screen. (note that display 52 includes patient's ID, see Fig 2).

As to claim 13, note the discussion above, Ying teaches the system, wherein the portable terminal scrollably displays the first and screens in at least one of a longitudinal direction and a lateral direction (see Fig 7, where the scroll buttons includes longitudinal and lateral directions).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrae S. Allison whose telephone number is (571)

Application/Control Number:
10/797,688
Art Unit: 2624

Page 12

270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

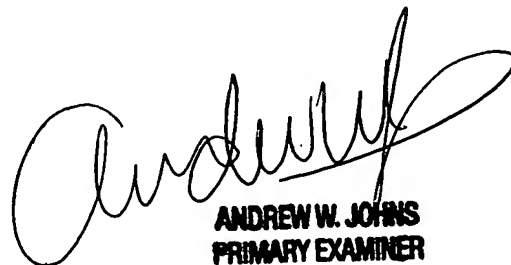
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Meta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

December 19, 2007

A.A.



ANDREW W. JOHNS
PRIMARY EXAMINER